

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ROCHESTER LABORERS )  
PENSION FUND, individually )  
and on behalf of all others similarly )  
situated, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No. 4:10CV1380 CDP  
 )  
MONSANTO COMPANY, et al., )  
 )  
Defendants. )

**MEMORANDUM AND ORDER**

This matter is before me on plaintiff's motion to amend the complaint. Defendants do not oppose amendment, so the motion will be granted. So that the record is clear, however, defendants must not simply supplement the pending motion to dismiss with materials relating to the new allegations. Instead, the pending motion to dismiss will be denied as moot and a new motion to dismiss addressing all allegations should be filed. I encourage the parties to use the same exhibit numbers wherever possible, and if they do this, then the Court only requires a courtesy copy of any new exhibits, together with the briefs. To provide the parties with sufficient opportunity to comply with this Order, I will give the parties more time than what was suggested in the proposed briefing schedule.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to amend the complaint [#74] is granted, and plaintiff's second amended class action complaint [#75-1] is deemed filed as of this date.

**IT IS FURTHER ORDERED** that defendants' motion to dismiss [#61] is denied as moot.

**IT IS FURTHER ORDERED** that the agreed scheduling motion [#76] is granted only as follows: **defendants' motion to dismiss and supporting memorandum shall be filed as set out above by February 29, 2012. Plaintiff shall file any responsive memorandum by March 23, 2012, and any reply brief may be filed by April 6, 2012.**

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 31st day of January, 2012.